

**Introduced by Senator Alquist**

February 17, 2005

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An act to amend Section 54985 of the Government Code, relating to county fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 432, as amended, Alquist. County fees.

Existing law specifically authorizes the county board of supervisors to increase or decrease fees and charges with specified exceptions, such as fees for the performance of services by the sheriff.

This bill would except from that exclusion sheriffs' fees for serving process or notice, serving, executing, or processing writs or orders to take possession of property, serving a writ of possession of real property on an occupant and putting a person in possession of the premises, and serving an earnings withholding order, *and would provide that these fees may be increased as requested by the sheriff to recover civil process operations costs.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 54985 of the Government Code is
- 2 amended to read:
- 3 54985. (a) Notwithstanding any other provision of law that
- 4 prescribes an amount or otherwise limits the amount of a fee or
- 5 charge that may be levied by a county, a county service area, or a
- 6 county waterworks district governed by a county board of
- 7 supervisors, a county board of supervisors shall have the

1 authority to increase or decrease the fee or charge, that is  
2 otherwise authorized to be levied by another provision of law, in  
3 the amount reasonably necessary to recover the cost of providing  
4 any product or service or the cost of enforcing any regulation for  
5 which the fee or charge is levied. The fee or charge may reflect  
6 the average cost of providing any product or service or enforcing  
7 any regulation. Indirect costs that may be reflected in the cost of  
8 providing any product or service or the cost of enforcing any  
9 regulation shall be limited to those items that are included in the  
10 federal Office of Management and Budget Circular A-87 on  
11 January 1, 1984.

12 (b) If any person disputes whether a fee or charge levied  
13 pursuant to subdivision (a) is reasonable, the board of supervisors  
14 may request the county auditor to conduct a study and to  
15 determine whether the fee or charge is reasonable.

16 Nothing in this subdivision shall be construed to mean that the  
17 county shall not continue to be subject to fee review procedures  
18 required by Article XIII B of the California Constitution.

19 (c) This chapter shall not apply to any of the following:

20 (1) Any fee charged or collected by a court clerk pursuant to  
21 Section 26820.4, 26823, 26824, 26826, 26827, 26827.4, 26830,  
22 72054, 72055, 72056, 72059, 72060, or 72061 of the  
23 Government Code or Section 103470 of the Health and Safety  
24 Code, and any other fee or charge that may be assessed, charged,  
25 collected, or levied pursuant to law for filing judicial documents  
26 or for other judicial functions.

27 (2) Any fees charged or collected pursuant to Chapter 2  
28 (commencing with Section 6100) of Division 7 of Title 1.

29 (3) Any standby or availability assessment or charge.

30 (4) Any fee charged or collected by a county agricultural  
31 commissioner.

32 (5) Any fee charged or collected pursuant to Article 2.1  
33 (commencing with Section 12240) of Chapter 2 of Division 5 of  
34 the Business and Professions Code.

35 (6) Any fee charged or collected by a county recorder or local  
36 registrar for filing, recording, or indexing any document,  
37 performing any service, issuing any certificate, or providing a  
38 copy of any document pursuant to Section 2103 of the Code of  
39 Civil Procedure, Section 27361, 27361.1, 27361.2, 27361.3,  
40 27361.4, 27361.8, 27364, 27365, or 27366 of the Government

1 Code, Section 103625 of the Health and Safety Code, or Section  
2 9525 of the Commercial Code.

3 (7) Any fee charged or collected pursuant to Article 7  
4 (commencing with Section 26720) of Chapter 2 of Part 3 of  
5 Division 2 of Title 3 of the Government Code, except for fees  
6 charged or imposed pursuant to Sections 26721, 26722, 26733.5,  
7 and 26750, *which may be increased as requested by the county*  
8 *sheriff to recover civil process operations costs.*

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